Supreme Court, U.S.
FILED
FEB - 8 2010
OFFICE OF THE CLERK

No. 09-550

In The
Supreme Court of the United States

JOSEPH A. FESSLER and ANN FESSLER, his wife,

Petitioners,

v.

KIRK SAUER COMMUNITY DEVELOPMENT CITY OF WILKES-BARRE; RICHARD GELHARD, Ex Deputy Executive Director – Wilkes-Barre; LEWIS ATTORDO; JOHN G. BRAVACOS, Relocation Area Director, Department of Housing and Urban Development; PAUL CAIN, Ex Area Director of Housing and Director of Housing and Urban Development; ALPHONSO JACKSON, Secretary of Housing and Urban Development,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Third Circuit

PETITION FOR REHEARING

JOSEPH A. FESSLER
ANN FESSLER
20 Solomon Street
Ashley, Pennsylvania 18706
Telephone: (570) 826-0060

RECONSIDERATION REGARDING CASE TO SUPREME COURT OF UNITED STATES

THIS IS TO INFORM THE COURT THAT WILKES BARRE REDEVELOPMENT AUTHORITY STARTED THESE COURT ACTIONS BY CONDEMNATION OF ALL MY PROPERTIES AT 289, 291, 291½, 312, 314, REAR 312 EAST MARKET STREET 16 AND REAR 16 SOUTH GRANT STREET 214 EAST MARKET STREET ALL OF WILKES BARRE, PA. WHY ITS BEEN IN THE COURTS FOR THE LAST 35 YEARS FOR RELOCATION BENEFITS BECAUSE WILKES BARRE REDEVELOPMENT AND HOUSING AND URBAN DEVELOPMENT PHILADELPHIA COURTS NEVER FOLLOWED RULES AND REGULATION ACCORDING TO HUD HANDBOOK OR MANUAL. I RETIRED FROM THE NAVY AFTER 24 YEARS OF ACTIVE DUTY AND I HAD TO FOLLOW ALL THE RULES. I FILED ALL MY APPEALS ACCORDING TO HUD HANDBOOK AND MANUAL. THIS WAS ALL GIVEN TO THE COURTS. ENCLOSED IS A COPY OF LETTER FROM PAUL CAIN HUD AREA DIRECTOR OF PHILADELPHIA DATED JANUARY 15 1976 ABOUT MY RELOCATION APPEAL. HE STATED I COULD TAKE JUDICIAL REVIEW THROUGH THE COURTS. THERE ARE ONLY TWO COURTS IN THE SYSTEM. I COULD TAKE IT TO PENNSYLVANIA, FEDERAL COURTS WHICH I DID FOR THE PAST 35 YEARS I TOOK IT TO EVERY COURT PENNSYLVANIA FEDERAL COURTS SUPREME COURT THEY ALL FAIL TO HONOR

PAUL CAIN LETTER REGARDING REVIEW BY THE COURTS. I KNOW NO FOREIGN COURT WOULD ACCEPT IT. ALL THE ATTORNEYS, COURTS, SHOULD HAVE LET ME KNOW THAT THE LETTER WAS NO GOOD FOR AN APPEALS IN THE COURT WOULD HAVE SAVED ME TIME AND THOUSANDS OF DOLLARS OF LEGAL FEES. I WISH THE SUPREME COURT WOULD LET ME KNOW THIS WHEN I AM BEING REJECTED BY THEM. ACCORDING TO WILKES BARRE NEWSPAPER THEY HAD 2 MILLION DOLLARS LEFT OVER FROM THE PROJECT. THEY USED THE MONEY FOR OTHER PROJECTS IN THE CITY.

I FOUND A NEWSPAPER I HAD FROM THE TIMES LEADER, WILKES BARRE, PA DATED JANUARY 28 1990 THAT CITY OF SCRANTON DIDN'T FOLLOW THE RULES FOR A PROJECT BY CONDEMNATION MAKING UP THEIR OWN RULES THEY GOT CAUGHT AND HUD CAME IN AND CLOSED THE PROJECT DOWN – MAKE THEM START OVER AGAIN BECAUSE THEY ARE VIOLATING FEDERAL LAW SECTION OF THE UNIFORM RELOCATION ASSISTANCE AND REAL ESTATE ACQUISITION POLICIES ACT 1970. THIS IS THE SAME THING WILKES BARRE REDEVELOPMENT AND HUD DIDN'T DO TO ME. I INFORMED HUD AND WILKES BARRE REDEVELOPMENT ABOUT IT BY CERTIFIED LETTERS EVEN HAD ONE OF HUD INSPECTORS OVER, THAT IS WHY NONE OF MY LAWYERS WANTED TO TAKE

IT TO COURT REGARDING RELOCATION BENEFITS. I FILED SUIT ON THEM IN THE FEDERAL CASES 1987, 1989. I WOULDN'T WANT THEM TO BE SHUT DOWN – ONLY FOLLOW THE RULES BY HUD HANDBOOK.

I HAVE BEEN USING COMMON SENSE LAW HOPING THE SUPREME COURT WOULD HONOR MY APPEAL REGARDING THIS MATTER. I WOULD LIKE MY DAY IN COURT REGARDING THIS MATTER.

JOSEPH FESSLER

CERTIFICATION

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.

JOSEPH FESSLER

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
PHILADELPHIA AREA OFFICE
CURTIS BUILDING 1 WALNUT STREET
PHILADELPHIA, PENNSYLVANIA 19106

IN REPLY REFER TO:
3-4CM

(Filed Jan. 15, 1976)

Mr. Joseph A. Fessler
R.D. #1 Trailwood
Wilkes-Barre, Pennsylvania 18701

Dear Mr. Fessler:

Subject: Request for Hearing on Eligibility
for Relocation Payment

We have reached a determination on your appeal for a hearing as a result of denial of a Relocation payment by the Wilkes-Barre Redevelopment Authority.

We regret to inform you that we must agree with the Redevelopment Authority in denying your claim for payment under Section 601A(b)(3) of the Pennsylvania Eminent Domain Code. One of the requirements for eligibility under this section is that the business being displaced is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired. Your file, which we received from the Redevelopment Authority, reveals that you own a similar business at 289-291 E. Market Street.

If you are not satisfied with this decision you have the right to seek judicial review through the courts.

Sincerely,

/s/ Paul T. Cain
Paul T. Cain
Area Director

[Copy in Petition Filed in Luzerne County Court 19 Feb. 1976] never heard from them.